THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

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BOMBAY ACT No. LXII OF 1953.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

[*27th November 1953*]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient to amend the Payment of Wages Act, 1936, in its application to the State of Bombay; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1953.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of Act IV of 1936.

IV of 1936. **2.** In section 3 of the Payment of Wages Act, 1936 (hereinafter referred to as the said Act), for the proviso the following shall be substituted, namely :—

"Provided that, in the case of persons employed (otherwise than by a contractor)—

(*a*) in factories, if a person has been named as the manager of the factory under clause (*f*) of sub-section (*1*) of section 7 of the Factories Act, 1948, then the person so named and the employer jointly and severally;

LXIII of 1948.

(*b*) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment, then the person so responsible and the employer jointly and severally;

(*c*) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned, then the person so nominated;

shall be responsible for such payment."

Amendment of section 6 of Act IV of 1936.

3. In section 6 of the said Act, the following proviso shall be added, namely :—

"Provided that when the amount of any bonus payable to an employed person exceeds an amount equal to one-fourth of his earnings (exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid or invested in the manner prescribed."

Amendment of section 15 of Act IV of 1936.

4. In section 15 of the said Act,—

(*1*) in sub-section (*1*), after the words "Civil Court" the words and figures "or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946," shall be inserted;

Bom. XI of 1947.

(*2*) in sub-section (*2*), in both the provisos, for the words "six months" the words "one year" shall be substituted;

(*3*) in sub-section (*3*), for the words "ten rupees" the words "twenty-five rupees" shall be substituted;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 351-352.

(*4*) after sub-section (*3*) the following shall be inserted, namely :—

"(*3A*) Where at any stage of an application under sub-section (*2*) the authority, upon report made to it and after hearing such employer or other person is satisfied that it is necessary so to do in order that the satisfaction of any direction that may be given under sub-section (*3*) is not delayed or defeated, the authority may order the conditional attachment of the property which may be liable for the satisfaction of such direction, unless such employer or other person either deposits with the authority an adequate sum sufficient to satisfy the claim or gives security for a like amount.

An attachment made under this sub-section shall have the same effect as if made by a competent Civil Court." ;

(*5*) for sub-section (*4*), the following shall be substituted, namely :—

"(*4*) If the authority hearing any application under this section is satisfied,—

(*i*) that the application was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application ; or

(*ii*) that, in any case in which compensation is directed to be paid under sub-section (*3*), the applicant ought not to have been compelled to seek redress under this section, the authority may direct that a penalty not exceeding fifty rupees be also paid by the employer or other person responsible for the payment of wages. The amount of such penalty when paid or recovered shall be credited to the State Government."

Insertion of new section 15A in Act IV of 1936.

5. After section 15 of the said Act, the following section shall be inserted, namely :—

Liability for payment of court-fees.

"15A. (*1*) In any proceedings under section 15, the applicant shall not be liable to pay any court-fees (other than fees payable for service of process) in respect of such proceedings :

Provided that when the application is presented by an Inspector he shall not be liable to pay the process fees also.

(*2*) Where the applicant succeeds in such proceedings, the authority hearing the application shall calculate the amount of court-fees which would have been payable by the applicant but for sub-section (*1*) and direct the employer or other person responsible for the payment of wages under section 3 to pay such amount to the State Government. Such amount shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue."

Amendment of section 17 of Act IV of 1936.

6. In section 17 of the said Act,—

(*1*) to sub-section (*1*), the following proviso shall be added, namely :—

"Provided that no appeal by an employer or other person responsible for the payment of wages under section 3, under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the authority to the effect that the appellant has deposited with it the amount payable under the order appealed against."

(*2*) in sub-section (*2*), after the brackets and figure "(*4*)" the words, brackets figure and letter ", or any order made under sub-section (*3A*)" shall be inserted ;

(*3*) after sub-section (*2*), the following sub-section shall be added, namely :—

IX of 1908. "(*3*) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this section."

Amendment of section 20 of Act IV of 1936.

7. In section 20 of the said Act, in sub-section (*1*), for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.

Amendment of section 21 of Act IV of 1936.

8. In section 21 of the said Act,—

(*1*) in sub-section (*1*), for the words "and the authority empowered under the latter section or the appellate Court granting such application" the words "by the authority or the appellate Court and the State Government or any officer authorised by it in this behalf" shall be substituted ;

(*2*) in sub-section (*2*),—

(*i*) for the words and figures "the authority empowered under section 15 or the appellate Court," the words "the State Government or the officer authorised by it in this behalf," shall be substituted ;

(*ii*) for the words "the authority or Court" the words "the State Government or the authorised officer" shall be substituted.

Amendment of section 26 of Act IV of 1936.

9. In section 26 of the said Act, in sub-section (*3*),—

(*1*) after clause (*d*) the following shall be inserted, namely :—

"(*da*) prescribing the manner in which the excess amount of the bonus shall be paid or invested under section 6 ; "

(*2*) in clause (*k*),—

(*a*) for the word "court-fees" the words "*ad valorem* or fixed court-fees" shall be substituted ;

(*b*) the word "and" shall be deleted.